

Docket No. CDS-219

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert T. Belly et al.

Serial No. : 10/019,514

Art Unit:

Filed : April 1, 2001

Examiner:.

For : **RAPID AND EFFICIENT CAPTURE OF DNA FROM SAMPLE
WITHOUT USING CELL LYSING REAGENT**

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

January 25, 2002

(Date)

Catherine Kurtz Gowen

Name of applicant, assignee, or Registered Representative

C. Kurtz Gowen
(Signature)

January 25, 2002

(Date of Signature)

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/CDS-219/CKG the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final

Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/CDS-219/CKG the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will

endeavor to supply copies at the Examiner's request.

☐ There are no listed references which are not in the English language.


☐ The relevance of those listed references which are not in the English language is as follows:

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CDS-219/CKG. This form is submitted in triplicate.

Respectfully submitted,



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Attorney for Applicants

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DATED: January 25, 2002

Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**


Docket No.

CDS-219

Serial No.

10/019,514

Applicant

Belly, et al.

Filing Date

April 1, 2001

Group Art Unit

U.S. PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Name	Class	Sub Class	File Date
	4,089,747	5/16/78	Bruschi	8/9/76	195	76
	4,683,202	7/28/87	Mullis	10/25/8	435	91
	4,713,326	12/15/87	Dattagupta et al.	5/18/84	435	6
	4,795,698	1/3/89	Owen et al.	9/16/86	435	4
	4,889,818	12/26/89	Gelfand et al.	6/17/87	435	194
	4,914,210	4/3/90	Levenson et al.	10/2/87	548	413
	4,920,061	4/24/90	Poynton et al.	7/8/86	436	526
	4,962,029	10/9/90	Levenson et al.	11/16/8	435	7
	4,965,188	10/23/90	Mullis et al	7/17/87	435	6

FOREIGN PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Country	Class	Sub Class	Translate (select one) Yes No	
	EP-A-0 308 236	22/03/89	Europe	1	28	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	EP-A-0 320 308	6/14/89	Europe	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	EP-A-0 393 744	10/24/90	Europe	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	EP-A-0 408 738	1/19/94	Europe	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	EP-A-0 428 197	5/22/91	Europe	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	EP-A-0 428 197	5/22/91	Europe	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>


OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

	Steinman, C. R., J. Clin. Invest. 56: 512-515, 1975.4
	Raptis, L. et al., J. Clin. Invest. 66: 1391-1399, 1980.
	Leon, S. A., et al., Cancer Res., 37: 646-650, 1977.
	Stroun, M., et al., Eur. J. Cancer Clin. Oncol.28: 707-712, 1987.
	Fournie, G. J., et al., Cancer Lett., 91: 221-227, 1995.

Examiner:

Date Considered

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION 	Docket No. CDS-219	Serial No. 10/019,514
	Applicant Belly et al.	
	Filing Date April 1, 2001	Group Art Unit

U.S. PATENT DOCUMENTS


Exam'r Init.	Document No.	Date	Name	Class	Sub Class	File Date
	4,994,373	2/19/91	Stavrionopoulos et al	435	6	7/20/89
	4,997,772	3/5/91	Sutton et al.	436	533	9/18/87
	5,147,777	9/15/92	Sutton et al.	435	5	6/18/90
	5,155,166	10/13/92	Danielson et al.	525	54.1	6/18/90
	5,173,260	12/22/92	Zander et al.	422	57	1/10/91
	5,231,015	7/27/93	Cummins et al.	435	91	10/18/89
	5,334,499	8/2/94	Burdick et al.	435	6	9/12/89
	5,338,671	8/16/94	Scalice et al.	435	91.2	10/7/92
	5,434,270	7/18/95	Ponticello et al	548	338	9/15/94

FOREIGN PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Country	Class	Sub Class	Translate (select one) Yes No	
	EP-A-0 439 182	7/31/91	Europe	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	EP-A-0 439 222	7/31/91	Europe	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	EP-A-0 487 218	5/27/92	Europe	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	EP-A-0 512 334	11/11/92	Europe	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	EP-B-0 070 687	1/26/83	Europe	33	58	<input checked="" type="checkbox"/>	<input type="checkbox"/>

OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

	Lin, A., et al., BioTechniques 24: (6) 937-940, 1998.
	Sorenson, G. D., et al., Cancer Epidemiology, Biomarkers and Prevention 3:67-71., 1994.
	Vasyukhin, V., et al., <u>In</u> Challenges of Modern Medicine, Vol. 5, Biotechnology Today R. Verna, and A. Shamoo, Eds, 141-150. Aera-Serono Symposia Publications, Rome.
	Mulcahy, H. E., et al., Clin. Cancer Res., 4: 271-275., 1998.
	Kopreski, M. S., et al., Brit. J. Cancer 76: 1293-1299, 1997.
	Chen, X., et al., Nature Medicine 2: 1033-1035, 1996.
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U.S. PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Name	Class	Sub Class	File Date
	5,582,988	12/10/96	Backus et al	435	6	9/15/94
	5,622,822	4/22/97	Ekeze et al.	435	6	9/13/94


FOREIGN PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Country	Class	Sub Class	Translate (select one) Yes No	
	WO 89/06691	7/27/89	PCT	15	54	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	WO 91/12342	8/22/91	PCT	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	WO 92/16659	10/10/92	PCT	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	WO 97/34015	9/19/97	PCT	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

	Vasioukin, V., et al., Brit. J. Haematology 86: 774-779, 1994.
	Tada, M., et al., Cancer Res. 53: 2472-2474, 1993.
	Lo Dennis, Y.M., et al., Am. J. Human Genet. 62: 768-775, 1998.
	Laure, et al., The Lancet, pp. 538-540 (Sep. 3, 1988).
	Maniatis, et al., Molecular Cloning: A Laboratory Manual, pp. 280-281 (1982).
	Gross-Belland, et al., Eur. J. Biochem., 36,32 (1973).
	Agrawal, et al., Nucleic Acid Res., 14, pp. 6227-45 (1986).

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U.S. PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Name	Class	Sub Class	File Date
	5,683,877	11/4/97	Lu-Chang et al	435	6	6/6/95

FOREIGN PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Country	Class	Sub Class	Translate (select one) Yes No	
	WO 95/16792	6/22/95	PCT	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	WO 96/32500	10/17/96	PCT	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	WO 96/15262	5/23/96	PCT	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	EP-A-0 707 077	9/14/95	Europe	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	GB-A-2 327 497	1/27/99	UK	1	68	<input checked="" type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

	Anker, et al., Gastroenterology, 1997, Vol. 112, No. 4, pp. 1114-1116.
	Ferguson, W. J., et al., Analytical Biochemistry, 104, pp. 300-310 (1980).
	Good, N. E., et al., Biochemistry, Vol. 5., No. 2, pp. 467-477, Feb. 1966.
	Good, N. E., and Izawa, S., Meth. Enzymol, 24, Part B. 53-68 (1972).

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Application Number	10/019,514
Filing Date	April 1, 200
First Named Inventor	Belly, et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	CDS-219

U.S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

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Examiner Signature		Date Considered	
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